APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,608	05/31/2001	David E. Cox	5577-130DV	9481

			EXAMINER
20792	7590	04/22/2005	BAYARD, DJENANE M

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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/870,608	COX ET AL.
	Examiner	Art Unit	
	Djenane M Bayard	2141	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>15-20,22 and 24-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>15-20,22 and 24-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim 15 have been considered but are moot in

view of the new ground(s) of rejection. Applicant argues that the prior art of record U.S. Patent

No. 6,202206 to Dean et al fails to teach the claim embodiment directed to "distribution of

application programs from a network management computer to on-demand server". However,

Dean et al teaches makings all installations and settings on all the computer in the network via

the primary server computer based upon the previously recorded stored profile with applications

programs which have been previously loaded in the primary server computer for distribution

(See col. 5, line 35-40). The examiner agrees that Dean et al does not explicitly teaches "

providing a file packet to target on-demand servers to initiate registration operations to make an

application program available to a use at a client". Therefore a new prior art of record U.S.

Patent Application No. 2003/0110241 to Cheng, Jr. et al is introduced to teach the above

limitation.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

3.   Claims 15, 20, 22 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,202,206 to Dean et al. in view of U.S. Patent No. 5,867,713 to Shrader et

al in view of U.S. Patent Application 2003/0110241 to Cheng, Jr. et al.

a.   .   As per claims 15, 20 and 22, Dean et al teaches a method for distribution of application

programs to a target station on a network comprising the steps executed on a centralized network

management server coupled to the network of: providing an application program to be

distributed to the network management server (See col. 2, lines 50-67); preparing a file packet

associated with the application program (See col. 5, lines 25-40); and distributing the file packet

to the target station (see col. 2, lines 50-67). However, Dean et al fails to teach specifying a

source directory and a target directory for distribution of the application program and including a

segment configured to initiate registration operations for the application program at the target

station in the file packet.

Shrader et al teaches an installation plan object for installing application s in a network.

Furthermore, Shrader et al teaches specifying a source directory and a target directory for

distribution of the application program (See col. 2, lines 59-67) col. 17 lines 45-61).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate specifying a source directory and a target directory for distribution of

the application program as taught by Shrader et al in order to determine if the file directories and

files objects are valid and accessible on the network (See col. 2, lines 61-62).

Cheng et al teaches and including a segment configured to initiate registration operations

for the application program at the target stationing the file packet (See page 4, paragraph [0050]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate and including a segment configured to initiate registration operations

for the application program at the target station as taught by Cheng et al in the claimed invention

of Dean et al in view of Shrader et al in order to ensure that only users who are authorized by the

provider can obtain updates for software products (See page 4, paragraph [0051]).

b.   As per claim 32, Dean et al in view of Shrader et al and further in view of Cheng et al

teaches the claimed invention as described above. Furthermore, Dean et al teaches wherein

distributing the file packet is preceded by executing a pre-distribution program at the network

management server (See col. 8, lines 40-60)

c.   As per claim 33, Dean et al in view of Shrader et al and further in view of Cheng et al

teaches the claimed invention as described above. Furthermore, Dean et al teaches method

wherein executing a pre-distribution program includes determining an environment for the

application program that exists on the target on-demand server (See col. 8, lines 12-20).

d.   As per claim 34, Dean et al in view of Shrader et al and further in view of Cheng et al

teaches the claimed invention as described above. However, Dean et al in view of Shrader et al

fails to teach wherein preparing a file packet includes including a selected version of an

application launcher in the file packet, the selected version being selected based on the determined environment.

Cheng et al teaches wherein preparing a file packet includes including a selected version of an application launcher in the file packet, the selected version being selected based on the determined environment (See page 4, paragraph [0054]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein preparing a file packet includes including a selected version of an application launcher in the file packet, the selected version being selected based on the determined environment as taught by Cheng et al in the claimed invention of Dean et al in view of Shrader et al in order to download relevant update for the software product (See page 4, paragraph [0053]).

e.   As per claim 35, Dean et al in view of Shrader et al and further in view of Cheng et al teaches the claimed invention as described above. However, Dean et al in view of Shrader et al fails to teach wherein distributing the file packet is followed by executing an after-distribution program at the target on-demand server.

Cheng et al teaches wherein distributing the file packet is followed by executing an after-distribution program at the target on-demand server (See page 4, paragraph [0054]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein distributing the file packet is followed by executing an after-distribution program at the target on-demand server as taught by Cheng et al in the claimed

invention of Dean et al in view of Shrader et al in order to download relevant update for the

software product (See page 4, paragraph [0053]).

f.   As per claim 36, Dean et al in view of Shrader et al and further in view of Cheng et al

teaches the claimed invention as described above. However, Dean et al in view of Shrader et al

fails to teach wherein registration operations include maintaining at the target on-demand server

a profile management list identifying application programs available for use by the user and

wherein the method further comprises updating the profile management list at the target on-

demand server to make the application program available for use by the user.

        Cheng et al teaches wherein registration operations include maintaining at the target on-

demand server a profile management list identifying application programs available for use by

the user and wherein the method further comprises updating the profile management list at the

target on-demand server to make the application program available for use by the user (See page

4, paragraph [0054]).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein registration operations include maintaining at the target on-

demand server a profile management list identifying application programs available for use by

the user and wherein the method further comprises updating the profile management list at the

target on-demand server to make the application program available for use by the user as taught

by Cheng et al in the claimed invention of Dean et al in view of Shrader et al in order to

download relevant update for the software product (See page 4, paragraph [0053]).

g.   As per claim 37, Dean et al in view of Shrader et al and further in view of Cheng et al

teaches the claimed invention as described above. However, Dean et al in view of Shrader et al

fails to teach wherein the profile management list includes a designation of authorized users for

application programs identified in the profile management list.

Cheng et al teaches wherein the profile management list includes a designation of

authorized users for application programs identified in the profile management list (See page 4,

paragraph [0054]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the profile management list includes a designation of

authorized users for application programs identified in the profile management list as taught by

Cheng et al in the claimed invention of Dean et al in view of Shrader et al in order to download

relevant update for the software product (See page 4, paragraph [0053]).

4.   Claims 16-17, 24-25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,202,206 to Dean et al. in view of U.S. Patent No. 5,867,713 to Shrader et

al further in view of U.S. Patent Application 2003/0110241 to Cheng, Jr. et al as applied to claim

15, 20 and 22 above, and further in view of U.S. Patent No. 5,996,012 to Jarriel.

a.   As per claims 16, 24 and 28, Dean et al in view of Shrader et al and further in view of

Cheng et al teaches the claimed invention as described above. However, Dean et al in view of

Shrader et al fails to wherein the network management server is a Tivoli. server.

Jarriel teaches wherein the network management server is a Tivoli server (See col. 1, lines 12-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the network management server is a Tivoli ser as taught by Jarriel in the claimed invention of Dean et al in view of Shrader et al in order to permit remote site management and operation (See col. 1, lines 12-35).

b.   As per claim 17, 25 and 29, Dean et al in view of Shrader et al and further in view of Cheng et al teaches the claimed invention as described above. However, Dean et al in view of Shrader et al fails to teach wherein the segment configured to initiate registration operations includes an import data file and a call to an import program executing on the target station (See col. 2, lines 50-67).

Cheng et al teaches wherein the segment configured to initiate registration operations includes an import data file and a call to an import program executing on the target station (See page 4, paragraph [0050]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate wherein the segment configured to initiate registration operations includes an import data file and a call to an import program executing on the target station as taught by Cheng et al in the claimed invention of Dean et al in view of Shrader et al in order to ensure that only users who are authorized by the provider can obtain updates for software products (See page 4, paragraph [0051]).

5.   Claims 18-19, 26-27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,202,206 to Dean et al. in view of U.S. Patent No. 5,867,713 to Shrader et

al further in view of U.S. Patent Application 2003/0110241 to Cheng, Jr. et al as applied to

claims 15, 20 and 22 above, and further in view of U.S. Patent No. 5,996,012 to Jarriel and

further in view of U.S. Patent No. 6,611,498 to Baker et al.

a.   As per claims 18, 26 and 30, Dean et al in view of Shrader teaches the claimed invention

as described above. Furthermore, Dean et al teaches wherein the segment configured to initiate

registration operations includes a variable field into which the target station inserts its

identification during registration operations (See col. 8, lines 1-12 and figures 18 and 19).

However, Dean et al fails to teach wherein the application program is registered based on a

Universal Resource Locator (URL) address accessible to a browser application and wherein the

segment configured to initiate registration operations includes a variable field into which the

target station inserts its identification during registration operations.

Baker et al teaches wherein the application program is registered based on a Universal

Resource Locator (URL) address accessible to a browser application and wherein the segment

configured to initiate registration operations includes a variable field into which the target station

inserts its identification during registration operations (See col. 14, lines 22-41).

It would have been obvious to one with ordinary skill in the art at the time invention was made to

incorporate wherein the application program is registered based on a Universal Resource Locator

(URL) address accessible to a browser application and wherein the segment configured to initiate

identification during registration operations as taught by Baker et al in the claimed invention of

Dean et al in view of Shrader et al in order to simplify the enterprise burden by limiting the client

development side to screen layouts and data presentation tools that use a common interface

enabled by the web browser (See col. 2, lines 50-57).

b.   As per claim 19, 26 and 31, Dean et al teaches distributing comprises the step of

distributing the file packet to a plurality of target stations each having an identification which

may be inserted into the variable field at the target station (See col. 8, lines 1-12 and figures 18

and 19).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER